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Attorneys for SFNAACP Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAN FRANCISCO NAACP, *et al.*,

Plaintiffs,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT, *et al.*,

Defendants.

Case No. C-78-1445 WHA
Related Case No. C-94-2418 WHA

**STIPULATED SETTLEMENT AND
ORDERS RE: SFNAACP
PLAINTIFFS' SUPPLEMENTARY
ATTORNEY FEE AND COST
MOTION AND AWARD**

BRIAN HO, by his parent and next friend,
CARL HO, *et al.*,

Plaintiffs,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT, *et al.*,

Defendants.

Additional Counsel

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Attorneys for State Defendants,
Jack O'Connell, Superintendent of
Public Instruction and California
Department of Education

PURSUANT TO THE PROVISIONS OF 42 U.S.C. §1988, THE CIVIL RIGHTS ATTORNEYS FEE AWARD ACT, THE SFNAACP PLAINTIFFS, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT DEFENDANTS AND THE STATE DEFENDANTS, BY AND THROUGH THEIR ATTORNEYS, DO HEREBY STIPULATE AND AGREE TO THE FOLLOWING FACTS AND THE ENTRY BY THE COURT OF THE BELOW ORDERS WITH RESPECT TO THE NOVEMBER 29, 2005, FEE AND COST MOTION AND APPLICATION OF THE SFNAACP COUNSEL:

1. On November 29, 2005, the SFNAACP counsel filed with the Court and served the SFUSD and State Defendants a motion and application for supplementary attorney fees and costs containing declarations and detailed time and cost records showing work done, time spent and costs expended by the SFNAACP Plaintiffs' counsel to further implement, enforce and monitor the remedial phase of the school desegregation Consent Decree litigation in the above entitled case from November 1, 2001 through November 21, 2005 (the "Covered Period").

2. The SFNAACP Plaintiffs were the prevailing parties in the SFNAACP v. SFUSD case which resulted in the entry of a comprehensive school desegregation Consent Decree in 1983. The Consent Decree was subsequently amended in 1993, 1999 and 2001. Plaintiffs met their 42 U.S.C. Section 1988 prevailing party standard with the entry of the original Consent Decree. As prevailing parties, the SFNAACP plaintiffs are entitled to reasonable attorney fees and costs for monitoring the Consent Decree.

3. The SFNAACP plaintiffs originally requested \$1,124,193.94 for the fees and costs expended during the Covered Period.

4. Counsel for the State and Local Defendants, who are familiar with the course of the litigation in this matter, have reviewed the fee and cost records regarding the work performed and costs expended. The SFNAACP plaintiffs' counsel and the State and Local Defendants' counsel have met and conferred extensively since the submission and have agreed to a settlement of the request in the amount of \$700,000.00.

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STIPULATED SETTLEMENT AND ORDERS RE: SFNAACP PLAINTIFFS' SUPPLEMENTARY ATTORNEY FEE AND COST MOTION AND AWARD — Case No. C-78-1445 WHA & Related Case No. C-94-2418 WHA

1 5. The settlement of this fee and cost request will spare the Court and the
2 parties the effort and expense of further litigation.

3 6. The Local Defendants agreed to pay 87-1/2% of the total amount
4 (\$612,500.00) and the State defendants agreed to pay 12-1/2% (\$87,500.00), such amounts
5 representing a fair and reasonable allocation of responsibility between the Local Defendants and
6 State Defendants for such fees and costs.

7 7. If approved, this stipulation represents a full and final settlement of the
8 SFNAACP Plaintiffs' claim for fees and costs during the Covered Period.

9 **STIPULATED ORDERS RE: SFNAACP PLAINTIFFS'**
10 **SUPPLEMENTARY MOTION AND AWARD OF ATTORNEY FEES AND COSTS**

11 **GOOD CAUSE HAVING BEEN SHOWN**, and pursuant to 42 U.S.C. Section
12 1988, the parties through their undersigned counsel stipulate to the Court issuing orders granting
13 the foregoing motion, application and stipulation for an award of attorney fees and costs incurred
14 by the SFNAACP Plaintiffs' counsel for the period from November 1, 2001 through November
15 21, 2005.

16 **IT IS HEREBY ORDERED** that:

17 1. The State and Local Defendants shall pay to the SFNAACP Plaintiffs the total
18 amount of \$700,000.00 for necessary attorney fees and costs expended by Plaintiffs' counsel
19 during the Covered Period.

20 2. The San Francisco Unified School District, its Board and its Superintendent
21 shall pay 87-1/2% of the total amount (\$612,500.00) with the remaining 12-1/2% (\$87,500.00)
22 being paid by the California State Department of Education and the State Superintendent of
23 Public Instruction, such amounts representing a fair and reasonable allocation of responsibility
24 between the Local Defendants and State Defendants for such fees and costs;

25 3. Both payments shall be made to Peter Graham Cohn, Attorney for the
26 SFNAACP Plaintiffs herein, and shall be distributed by him to SFNAACP Plaintiffs' counsel.

27 4. With respect to the SFUSD, the SFUSD shall make its payment to SFNAACP
28 Plaintiffs' counsel on the following schedule:

STIPULATED SETTLEMENT AND ORDERS RE: SFNAACP PLAINTIFFS' SUPPLEMENTARY ATTORNEY FEE AND
COST MOTION AND AWARD — Case No. C-78-1445 WHA & Related Case No. C-94-2418 WHA

a. By January 31, 2006, SFUSD shall pay \$153,125.00.

b. On or before July 1, 2006, SFUSD shall pay \$459,375.00.

5. The court shall retain jurisdiction for the limited purpose of insuring compliance with this stipulation and these orders for payment of attorneys' fees and costs.

IT IS HEREBY FURTHER ORDERED that the amounts herein ordered to be paid by the SFUSD, its Board of Education and its Superintendent shall be deemed to be "court mandated costs" within the meaning of former California Education Code Sections 42243.6 and 42249, and any other applicable provision of California law, and the San Francisco Unified School District shall be entitled to submit its claim for reimbursement immediately and be reimbursed forthwith.

Dated: December 15, 2005

THOMAS I. ATKINS
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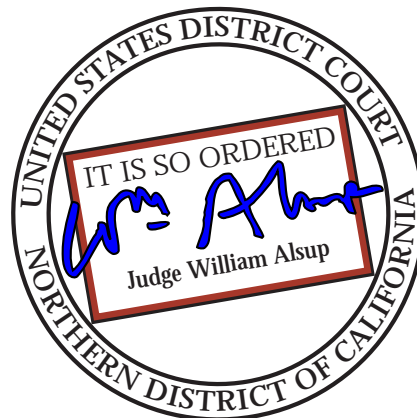
Attorneys for San Francisco Unified School
District Defendants

ROBIN B. JOHANSEN
THOMAS A. WILLIS
REMCHO, JOHANSEN & PURCELL

Attorneys for State Defendants Jack O'Connell,
Superintendent of Public Instruction, and
California Department of Education

IT IS SO ORDERED.

DATED: December 16, 2005



THE HONORABLE WILLIAM H. ALSUP
United States District Court Judge

PROOF OF SERVICE

I am over 18 years of age, not a party to this action and employed in San Francisco, California at Three Embarcadero Center, San Francisco, California 94111-4067. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service and correspondence is deposited with the United States Postal Service that same day in the ordinary course of business. Today I served the attached document[s]:

**STIPULATED SETTLEMENT AND ORDERS RE: SFNAACP
PLAINTIFFS' SUPPLEMENTARY ATTORNEY FEE AND COST
MOTION AND AWARD**

by causing a true and correct copy of the above to be placed in the United States Mail at San Francisco, California in sealed envelope(s) with postage prepaid, addressed as follows:

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PROOF OF SERVICE

Case No. C-78-1445 WHA & Related Case No. C-94-2418 WHA

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 15, 2005.

LINDA K. VALLIN